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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/599,451 | 07/18/2007 | Domenico Fanara | 06-796 | 9142 |
| 20306 7590 01/15/2010 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606 | | | | |
| EXAMINER THOMAS, TIMOTHY P | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1628 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 01/15/2010 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|---|--------------------------------------|--|--------------------------------------|--|
| Examiner-Initiated Interview Summary | Application No. 10/599,451 | | Applicant(s) FANARA ET AL. | |
| | Examiner TIMOTHY P. THOMAS | | Art Unit 1628 | |
| | | | | |

All Participants:

(1) TIMOTHY P. THOMAS.

(2) Michael Greenfield.

Date of Interview: 13 January 2010

Type of Interview:

☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
 If Yes, provide a brief description: .

Status of Application: rejected

(3) ____.

(4) ____.

Time: 11a.m.

Part I.

Rejection(s) discussed:

Claims discussed:
1

Prior art documents discussed:
Doron et al. ("Antibacterial effect of parabens against planktonic and biofilm Streptococcus sobrinus"; 2001 International Journal of Antimicrobial Agents; 18: 575-578)

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Timothy P Thomas/
 Examiner, Art Unit 1628

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Mr. Greenfield had indicated to the Examiner that the limitation of the MP+PP amounts would be authorized to the range of 0.375-1 mg/mL, for which the Examiner had indicated a meeting with supervisors would be held, although the claims are still not considered to be patentable, at least because the addition of a third preservative would not provide an unexpected antimicrobial solution. On 1/13/2010, the Examiner informed Mr. Greenfield that problems with the claims that still remain, based on the teaching of Doron, lead to amounts below 1 mg/mL as expected to be antimicrobial, such as when a third antimicrobial agent is present; that the results of the specification are not directly comparable to Doron, which considers other bacteria from what is tested in the specification, and the claims are not commensurate in scope with the data disclosed. Mr. Greenfield was informed that an Office Action with a new rejection that includes Doron would be mailed .